



ALASKA NATIONAL GUARD INSTRUCTION

JFHQ-AK/JTS-PM
DISTRIBUTION: TA

AKNGI 1716.02
9 June 2016

REASONABLE ACCOMMODATION PROGRAMS FOR FEDERAL TECHNICIANS

References: See Enclosure B.

1. Purpose. This instruction establishes the Reasonable Accommodation (RA) procedures for Technicians and Technician applicants. This instruction establishes procedures that will support the prompt, fair, and efficient processing of RA requests. The Alaska National Guard (AKNG) is committed to providing Equal Employment Opportunity (EEO) for Federal Technicians (current, former, & applicants of Federal Technician positions) and other qualified Individuals with Disabilities (IWD). This instruction meets federal requirements of Executive Order 13164 to provide RA to qualified employees and applicants with disabilities to ensure they have full access to resources.
2. Superseded/Canceled. None.
3. Applicability. This instruction applies to all Dual Status (DS) and Non-Dual Status (NDS) federal technicians in the Alaska National Guard (AKNG). Dual Status military members of the AKNG are or may be required to meet the physical standard and employment criteria of the Army or Air National Guard.
4. Policy. It is AKNG policy to provide RA to IWD when possible. This instruction is intended to increase awareness of responsibility in providing for the expansion of opportunities for individuals with disabilities. All supervisors of DS and NDS Federal Technicians and selecting officials of Technician applicants will comply with applicable Federal laws, Technician Personnel Regulations (TPR), and Equal Employment Opportunity Commission Guidance. Nothing in this policy establishes medical requirements for the AKNG military member. Active Guard and Reserve (AGR) employees are entitled to reasonable accommodations, but will follow applicable service regulations.
5. Definitions. See glossary.
6. Responsibilities.
 - a. The Director of the Human Resources Office (HRO) is responsible for the development, implementation, and administration of the AKNG RA instruction.

- b. The State Equal Employment Manager (SEEM) is responsible for:
 - i. providing information to supervisors and applicants regarding the AKNG RA instruction,
 - ii. conducting RA training,
 - iii. assisting supervisors and applicants with their RA requests,
 - iv. tracking and reporting RA requests with the Labor Relations Specialist (LRS), and
 - v. ensuring copies of the RA instruction are provided to supervisors, Technicians, and applicants.
- c. Commanders and Directors at all levels are responsible for the following:
 - i. supporting the RA process; and
 - ii. providing the necessary resources to support the RA process.
- d. Supervisors are responsible for the following:
 - i. ensuring all Technicians and Technician applicants are aware the RA process is available to qualified individuals with disabilities;
 - ii. receiving and reviewing RA requests from Technicians and Technician applicants;
 - iii. consulting with the SEEM when an RA request is received;
 - iv. determining whether it is appropriate to approve, deny, or offer an alternative accommodation to an RA request; and
 - v. communicating the status and ultimate disposition of each RA request to the requesting individual.
- e. Employees, Technicians and Technician applicants should inform HRO, Commanders, Directors, or Supervisors of a disability requiring a RA, or a request for a RA (AKNG Form 1716.02).

7. Procedure.

a. Processing an RA request. Persons requesting a RA will inform their supervisor verbally or in writing. Individuals with disability in a Federal Technician status are within their rights to request a RA due to a medical condition. After a RA is requested, supervisors will contact the SEEM Office to start the interactive process. For Federal Technicians, AKNG Form 1716.02 (Enclosure A) is utilized.

b. Types of RA may include making existing facilities accessible, job restructuring, part-time or modified work schedules, acquiring or modifying equipment, changing tests, training materials, or policies, providing qualified readers or interpreters, and reassignment to a vacant position.

c. Documentation. Medical documentation will be requested by the supervisor. Documentation may also be necessary to clarify the existence and limitations of the disability and the need for a RA. It may be necessary to include position description correlating the need for the RA request with work requirements.

d. Timeframe. Employees who are requesting RA should make the request as soon as possible, but are not restricted to a specific time limit. The timeframe will begin once the requestor submits a written or verbal RA request. Requests will be processed as soon as possible and must be completed 30 business days from the date the request is made.

e. Exception to timeframe. If the Supervisor must request medical information or documentation from a requestor's doctor, the time frame will stop on the day that the Supervisor makes a request to the individual to obtain medical information or sends out a request for information/documentation, and will resume on the day that the information/documentation is received by the Supervisor.

f. Denial of RA requests. If the request for RA is denied, the supervisor will notify the requestor in writing and discuss the reason(s). The fact that one accommodation proves ineffective or would cause undue hardship does not preclude the offer of another accommodation. If the supervisor offers an accommodation other than the one requested, but the alternative accommodation is not accepted, the supervisor will record the individual's rejection of the alternative accommodation on the request form. The employee has 45 days from the final determination to file an Equal Employment Opportunity (EEO) complaint with the SEEM office.

g. Appeal of RA requests. An individual dissatisfied with the resolution of a reasonable accommodation request can ask the HRO to reconsider that decision. An individual must request, in writing, reconsideration within 5 business days of receiving the denial of RA from the supervisor.

h. Report and tracking. In order to ensure compliance with these procedures and the Rehabilitation Act, the supervisor will complete the AKNG Form 1716.02 within five business days of issuing the decision. This form will be the basis of an annual report submitted to the Equal Employment Opportunity Commission, which will provide a qualitative assessment of AKNG's reasonable accommodation program.

i. Assessments. For some RA requests, an ergonomic assessment may be advised first. Ergonomic assessments are available to Federal Technicians. Personnel shall notify their immediate supervisor to request an assessment. The supervisor will contact the appropriate office to schedule an ergonomic assessment when required:

i. Contacts:

1. Employees may contact the State Equal Employment Manager at (907) 428-6466 to coordinate requests.

2. SEEM will coordinate Army National Guard (ARNG) Federal Technician personnel requests with the Safety & Occupational Health office at (907) 428-6488.

3. SEEM will coordinate Air National Guard (ANG) Federal Technician personnel requests with the corresponding 176th Wing safety office at (907) 551-7604 or 168th Wing Safety office at (907) 377-8746.

ii. Employees may use the ergonomic checklist Occupational Safety and Health Administration (OSHA) provides at www.osha.gov. No medical or professional certification is required to conduct an ergonomic assessment.

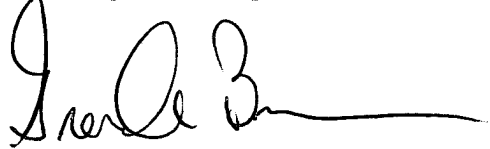
j. Determination of approval or consideration of alternative accommodation will take place after AKNG Form 1716.02 and necessary documentation have been submitted. RA may be denied if it results in an undue hardship to the Agency. The requester, supervisor, and SEEM may seek an alternative resolution if the RA request is denied.

8. Summary of Changes. This is the initial publication of AKNGI 1716.02.

9 June 2016

9. Releasability. This issuance is approved for public release; distribution is unlimited.

10. Effective Date. This instruction is effective upon receipt.

A handwritten signature in black ink, appearing to read 'Gregory A. Brown', with a long horizontal flourish extending to the right.

GREGORY A. BROWN, Lt Col, AKANG
Human Resources Officer
JFHQ-AK HRO

Enclosures:

A – AKNG Form 1716.02
B – References
GL - Glossary

ENCLOSURE A

AKNG FORM 1716.02 (FEDERAL SERVICE MEMBERS AND EMPLOYEES)

REQUEST AND AUTHORIZATION FOR REASONABLE ACCOMMODATION (RA)											
<p>Before completing and submitting this form, refer to AKNGI 1716.02, EEO Reasonable Accommodations for Individuals, for guidance and the following Privacy Act Statement:</p> <p>PRIVACY ACT STATEMENT</p> <p>The Alaska National Guard is authorized to collect the information by Section 501 of the Rehabilitation Act of 1973, 29 USC 791. The information provided by you will be used primarily to facilitate the processing of your request. Furnishing of the requested information and documentation is voluntary. However, failure to fully complete this form or provide the necessary information may result in either a delay of the needed accommodation or the denial of the request.</p> <p>Part I - Employee/Applicant/Requestor Information</p> <p>I am a person with a disability who is requesting a reasonable accommodation under the Rehabilitation Act of 1973, as amended</p> <table border="1"><tr><td>a. NAME</td><td>b. PAY PLAN-SERIES-GRADE</td><td>c. POSITION TITLE</td></tr><tr><td>d. ORGANIZATION</td><td colspan="2">e. WORK AND OR HOME PHONE NUMBER</td></tr></table> <p>I am requesting accommodation because I have the condition(s) described below.</p> <p>f. Condition(s): (Describe condition(s) for which accommodation(s) is/are needed.)</p> <p>g. Situation or Job Task(s): (Describe employment situation, i.e., job tasks that keeps you from performing essential job functions)</p> <p>h. Accommodation(s) Requested: Identify suggested accommodation(s). Provide recommendations for alternative accommodation(s)</p> <table border="1"><tr><td>NAME/TITLE</td><td>SIGNATURE</td><td>DATE</td></tr></table> <p>Warning: Information contained in this document is protected by the Privacy Act (5 USC 552a)</p> <p>AKNGM 1716.02 (4 December 2015) Request and Authorization for Reasonable Accommodation</p>			a. NAME	b. PAY PLAN-SERIES-GRADE	c. POSITION TITLE	d. ORGANIZATION	e. WORK AND OR HOME PHONE NUMBER		NAME/TITLE	SIGNATURE	DATE
a. NAME	b. PAY PLAN-SERIES-GRADE	c. POSITION TITLE									
d. ORGANIZATION	e. WORK AND OR HOME PHONE NUMBER										
NAME/TITLE	SIGNATURE	DATE									

9 June 2016

Part II - Supervisor

In accordance with the Act:

(1) Only information about the individual that is relevant and necessary to evaluate a request for RA should be requested. 5 USC 552a (e) (1).

(2) Information should be collected directly from the individual requesting the RA, particularly when the information may result in sensitive determinations about the individual's rights, benefits, and privileges that include possible RA. 5 USC 552a(e)(2).

(3) Appropriate administration plus technical and physical safeguards must be followed to insure the security and confidentiality of records. They must also protect against any anticipated threats or hazards to their security and integrity. Failure to safeguard sensitive information appropriately could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual from which information is maintained. 5 USC 522a (e) (10).

a. Supervisor Name

b. Supervisor Phone Number

c. Request for accommodation:

(1). Written YES ☐ (Attach Copy) NO ☐

(2). Oral YES ☐ (attach supervisor documentation) NO ☐

(3). Date _____

(4). Employee/Applicant Name _____

(5). Position/Title for which request is being made _____

(6). If someone other than person named in c.(4). above makes the request, provide name/address/phone contact and relationship of person making request for employee/applicant below.

d. Employee's stated accommodation:

e. What is the nature of the disability?

f. Is the disability and need for accommodation obvious? YES ☐ NO ☐

g. Has employee provided medical information relative to stated disability in the past? YES ☐ NO ☐ Date Received _____

If the answer to both f and g is "no," coordinate with the EEO Office to request medical documentation from employee.

Warning: Information contained in this document is protected by the Privacy Act (5USC 552a)

AKNG Form 1716.02 (4 December 2015) Request and Authorization for Reasonable Accommodation

Part III - Directorate for Human Resources			
a. Date request received	b. Date EEO office coordination	c. Date medical information	d. Date medical information received
<p>e. Meeting with employee:</p> <p>(1) Is a meeting needed to clarify needs? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(2) Coordinated with Labor Relations before meeting with employee to determine obligation to invite bargaining unit representative?</p> <p style="text-align: center;">Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>(3) Date of meeting _____</p> <p>(4) Narrative describing discussion with employee (This may include list of job duties affected. If duties impacted are considered essential elements of employee's position, can accommodations be made to enable the employee to perform these tasks?)</p> <p>_____</p>			
<p>f. Last possible accommodations:</p> <p>_____</p>			
<p>g. Coordinate with EEO Office</p> <p>(1) Date of meeting _____</p> <p>(2) Narrative describing discussion (e.g., Does employee have a physical or mental stability that substantially limits one or more of major life activities?) Which accommodations are available reasonable? Is there a need to consult with a resource outside agency (e.g., Computer Electronic Accommodation Program-CAP, Appendix F)? Who has control over the resources? Who will make the decision? Must union official be notified before implementing an accommodation?</p> <p>_____</p>			
<p>Warning: Information contained in this document is protected by the Privacy Act (5USC 552a)</p> <p>AKNG Form 1716.02 (4 December 2015) Request and Authorization for Reasonable Accommodation</p>			

h. Alternative Actions/Accommodations/Recommendations:		
i. Alternative Actions/Accommodations:		
<p>Are any of listed accommodations an undue hardship? (Generalized conclusions will not suffice to support a claim of undue hardship. Undue hardship must be based on an individualized assessment of current circumstances that show a specific reason why accommodation would cause significant difficulty or expense to AKNG). If so, explain:</p>		
j. Accommodations chosen, if any (explain reason for choice)		
k. Coordinate with other organizational elements, as applicable, i.e., EEO, CAP, HRO, etc. If any of the possible accommodations require resources outside control of supervisor, facilities and fiscal managers should be included		
l. Effective Date for RA _____	m. Time Duration of RA - Permanent: _____ - Temporary: _____	n. Cost of Accommodation _____
o. Name of Approving Official _____		p. Signature Date of Approval _____
q. Additional Notes		
<p>Warning: Information contained in this document is protected by the Privacy Act (5 USC 552a)</p> <p>AKNG Form 1716.02 (4 December 2015) Request and Authorization for Reasonable Accommodation</p>		

9 June 2016

Part V - List of Reasonable Accommodation (RA)**Computer/Electronic Accommodation Program (CAP)****Defense Medical Systems Support Center****5111 Leesburg Pike, Suite S10****Falls Church, VA 22041-3206****Phone: (703) 681-8811 (Voice/TTY)****Fax: (703) 681-9075****Website: www.tricare.osd.mil/cap****Job Accommodation Network (JAN)****918 Chestnut Ridge Road, Suite 1****West Virginia University****P.O. Box 6080****Morgantown, WV 26506-6080****1-800-526-7234 (Voice/TDD)****Website: www.janweb.icdi.wvu.edu****Other Websites of Interest****Equal Employment Opportunity Commission (EEOC) www.eeoc.gov****The Computer/Electronic Accommodations Program would like to share the following resource from the U. S. Department of Labor (DOL):**

The DOL has undertaken a project that focuses on the employment challenges of Service members returning to the United States with Traumatic Brain Injury (TBI) and/or Post-Traumatic Stress Disorder (PTSD). The goal of the project is to educate employers and the workforce development system on TBI and PTSD, as well as on accommodations they can make for these individuals.

The following website is designed to be a link to information and tools that will help Service members affected by TBI and/or PTSD (and primarily returning from Iraq and Afghanistan) succeed in the workplace. Some of the resources include job sharing, coaching and mentoring programs, fact sheets, training tools, and success stories. For all these resources please visit: www.AmericasHeroesAtWork.gov.

Warning: Information contained in this document is protected by the Privacy Act (5 USC 552a)

AKNG Form 1716.02 (4 December 2015) Request and Authorization for Reasonable Accommodation

ENCLOSURE B

PART I – REFERENCES

1. Rehabilitation Act of 1973, as amended; Americans with Disabilities Act (ADA) of 1990; and ADA Amendments Act of 2008 (ADAAA.)
2. Executive Order 13164, 26 July 2000, “Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation.”
3. 29 CFR Part 1630, Regulations to implement equal employment provisions of Americans with Disabilities Act of 1990, as amended.
4. EEOC Policy, Guidance on Executive Order 13164.
5. TPR 715, July 2007, Voluntary and Non-disciplinary Actions.

PART II – RELATED

1. Executive Order 13518, 9 November 2009, “Employment of Veterans in Federal Government.”
2. Executive Order 13548, 26 July 2010, “Increasing Federal Employment of Individuals with Disabilities.”
3. Executive Order 13583, 18 August 2011, “Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce.”
4. Computer Accommodations Program (CAP)
website: (<http://www.cap.mil/Default.aspx>).

ENCLOSURE GL

GLOSSARY

PART I - ABBREVIATIONS AND ACRONYMS

ANG	Air National Guard
AKNG	Alaska National Guard
ARNG	Army National Guard
CAP	Computer Accommodations Program
DMVA	Department Military and Veterans affairs
EEO	Equal Employment Opportunity
FPR	Full-time Personnel Regulation
IWD	Individual with Disabilities
RA	Reasonable Accommodation

PART II – DEFINITIONS

Auxiliary aids and services -- Auxiliary aids and services' includes qualified interpreters or other effective methods of making aurally delivered materials available to individuals with hearing impairments; qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments; acquisition or modification of equipment or devices; and other similar services and actions.

Essential Functions -- The essential functions of a job are those job duties that are so fundamental to the position that the individual cannot do the job without being able to perform them. A function can be essential if, among other things: 1) the position exists specifically to perform that function; 2) There are a limited number of employees available among whom the performance of that job function can be distributed; and/or 3) The function is highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

Extenuating Circumstances -- Extenuating circumstances are factors that could not reasonably have been anticipated or avoided in advance of the RA request.

Individual with a Disability (IWD) -- An IWD has one or more of the following: a physical or mental impairment substantially limiting at least one of that individual's major life activities, e.g., breathing, seeing, thinking, performing manual tasks, interaction with others, caring for oneself; has a record of such an impairment; or is regarded as because of a perceived impairment; or is associated with or care taker of an IWD.

Interactive Process -- The interactive process is the process by which an individual making an RA request and the individual receiving the RA request communicate with each other about the request, the precise nature of the problem that is generating the request, how a disability is prompting a need for an accommodation, and alternative accommodations that may be effective in meeting the requestor's needs.

Major Life Activities -- Major life activities include, but are not limited to, the following: in general, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working; and the operation of a major bodily function, including but not limited to, functions of the immune system, special sense organs and skin; normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

Reasonable Accommodation (RA) -- In general, an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. There are three categories of RA: modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

Regarded as Having Such Impairment -- An individual meets the requirement of 'being regarded as having such an impairment' if the individual establishes that he or she has been subjected to an action prohibited under this Act because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity. This paragraph shall not apply to impairments that are transitory and minor. A transitory impairment is an impairment with an actual or expected duration of 6 months or less.

Undue Hardship -- In general, undue hardship means, with respect to the provision of an accommodation, significant difficulty or expense incurred by the AKNG, when considered in light of the following factors: the resources and circumstances of the AKNG in relationship to the cost or difficulty of providing a specific accommodation.

Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business.

The type of operations, including the composition, structure and functions of the workforce and geographic separation and administrative or fiscal relationship of the facility or facilities in question to the AKNG; and the impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

Assess on a case-by-case basis whether a particular reasonable accommodation would cause undue hardship.